

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Sean Rafferty, being a duly sworn and appointed Special Agent of the United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), formerly known as the Immigration and Naturalization Service (INS), and the United States Customs Service (USCS) hereby make the following statement:

1. I am currently employed as a Special Agent with ICE and have been so employed since December 2002. I have had training and experience in the enforcement of the immigration and nationality laws of the United States. Additionally, I have training and experience in the service of criminal complaints and arrest warrants.

2. The affidavit is based upon my own investigation and information provided to me by other law enforcement agents and agencies. This affidavit is not intended to contain all information I have learned during the course of this investigation but that which is sufficient to support a finding of probable cause in support of a criminal complaint charging JUAN MIGUEL LABOY with illegal reentry by a removed alien, in violation of Title 8, United States Code, Section 1326.

3. Juan Miguel LABOY was deported to the Dominican Republic in April 2011, subsequent to his arrest in August, 2010 for trafficking heroin. At the time of his arrest, LABOY was using an alias of Victor Feliciano-Viera, aka "Alberto." A photograph and fingerprint were taken from LABOY at the time of his deportation.

4. On January 16, 2013, Drug Enforcement Administration Special Agent (SA) Glen Coletti contacted me to report that he had recently seen LABOY. SA Coletti was involved in the arrest of LABOY, then using the alias of Victor Feliciano-Viera, aka

"Alberto". SA Coletti told me that while conducting surveillance in Lawrence, MA on January 15, 2013, SA Coletti observed LABOY in Lawrence, MA. SA Coletti asked me if LABOY was lawfully present in the United States. SA Coletti also advised me that LABOY was observed going to, and entering, Building 60 in the Summit Place Apartment Complex, 142 Pleasant Valley Street, Methuen, MA.

5. On January 16, 2013, I conducted ICE computer checks for LABOY. I determined LABOY was issued Alien Registration Number 094 896 425 and FBI Number 264985CC8. I determined LABOY was deported from the United States to the Dominican Republic on three occasions. LABOY was deported the first time on October 18, 2006 from Alexandria, LA to the Dominican Republic, the second time on January 12, 2008 from Boston to the Dominican Republic and the third time on April 7, 2011 from Boston, MA to the Dominican Republic. I also reviewed criminal history for LABOY and determined LABOY has used the aliases of Victor Viera, Hector Jose Aibie and Juan Jose Pena during his previous arrests. LABOY also used three different social security numbers and four dates of births in his previous arrests. On March 23, 2010, prior to his third deportation, LABOY obtained a Rhode Island Driver's license in the identity of Victor Feliciano-Viera.

6. On January 17, 2013, I emailed SA Coletti a copy of LABOY's booking photograph from ICE. SA Coletti told me that he was certain that the person he observed in Lawrence, MA was LABOY based on his prior observations in 2011 and on a review of the ICE booking photograph that I had sent him.

7. On January 17, 2013, SA Coletti met with the Summit Place Apartment Complex Property Management Company at 142 Pleasant Valley Street Methuen, MA.

SA Coletti showed Property Management a photograph of LABOY. Property Management recognized LABOY and stated LABOY pays for two apartments by money order. The first apartment that LABOY pays for is Apartment 102 in Building 60. Property Management advised SA Coletti that Apartment 102 has been leased in the names of Jamil and Charlie Ramos since September 12, 2012. Property Management advised that LABOY also pays for Apartment 204 in Building 20. This apartment has been leased in the name of Francesca Vega and Orlando Ramos since October, 2012. Property Management also advised that LABOY also pays the rent for garage 8 which is behind Building 60.

8. On January 18, 2013, I reviewed documents from the immigration Alien Registration File, or "A-File," for LABOY. Specifically, I reviewed a Warrant of Removal/Deportation, Form I-205, bearing LABOY's fingerprint and a photograph, and which was executed on April 7, 2011. On April 7, 2011, LABOY was deported from Boston, MA to the Dominican Republic. There is no record in the A-file or ICE computer systems indicating LABOY had applied for or received permission of the Secretary of Homeland Security to reenter the United States since the time of his deportation.

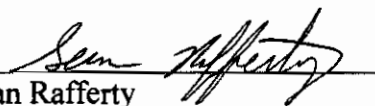
9. On January 21, 2013, I conducted surveillance at 142 Pleasant Valley Street, Building 60, Methuen, MA. In preparation for the surveillance, I reviewed the ICE booking photograph and biographical information for LABOY. At approximately 2:00 p.m., I saw LABOY exit Building 60 with an unknown Hispanic female and an unknown Hispanic male. I then observed the unknown Hispanic female, unknown Hispanic male and LABOY get into a gray Toyota Tundra pickup truck bearing Massachusetts registration 929RJ7 and drive away. On January 21, 2013, at approximately 8:35 p.m., a

gray Toyota Tundra pickup truck bearing Massachusetts registration 929RJ7 was parked in front of building 60.

10. On January 22, 2013, at approximately 11:28 a.m. ICE/HSI Duty Agent Nicole Petterson received a duty call for a person who stated a Dominican male by the name of Juan LABOY, illegally reentered the United States after having been deported. The caller stated LABOY is in his forties and was currently living at 142 Pleasant Valley Street, Building 60, Apartment 102, Methuen, MA with his brother "Ricardo". The caller stated that he/she knew LABOY from when he/she lived in the Dominican Republic.

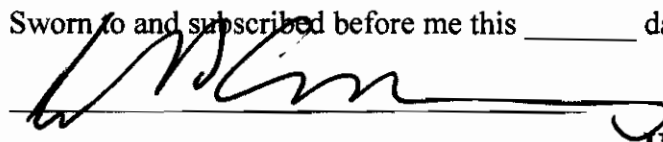
11. On January 23, 2013, at approximately 1:45 p.m., a federal agent for the Department of Homeland Security observed LABOY and an unknown male enter Building 60 at 142 Pleasant Valley Street in Methuen, MA.

Based upon the foregoing facts, I believe there is probable cause to believe and do believe that LABOY is a citizen of the Dominican Republic who has illegally reentered the United States without first having applied for or receiving permission from the Attorney General of the United States or his successor, the Secretary of Homeland Security, to reenter the United States, in violation of 8 U.S.C. 1326.


Sean Rafferty
Special Agent
Immigration and Customs Enforcement
Homeland Security Investigations

JAN 23 2013

Sworn to and subscribed before me this _____ day of January, 2013.



HON. ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE
United States District Court
John Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 7420
Boston, Massachusetts 02210